

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ORACLE USA, INC, et al.,)	CASE NO. 2:10-cv-106-LRH-PAL
)	
Plaintiff (s),)	<u>JUDGE LARRY R. HICKS'</u>
)	
vs.)	<u>ORDER REGARDING TRIAL</u>
)	
RIMINI STREET, INC., et al.,)	
)	
Defendant(s).)	
_____)	

1. Counsel for all parties **shall appear either in person or telephonically on Wednesday, August 26, 2015, at 10:00 a.m.** for a Pre-Trial Status Conference and Calendar Call. Anyone appearing telephonically shall coordinate their appearance **via AT&T Operator in Reno Courtroom 3 before Judge Larry R. Hicks. Participants shall call AT&T Operator no later than 5 minutes prior to the hearing at 1(888) 273-3658 and provide Access Code 9260179 and Security Code 082615.** Individual parties and their representatives will not be required to appear.

2. **On or before Wednesday, the 9th day of September, 2015,** and to the extent they haven't already done so in accordance with the Court's Joint Pretrial Order, or other order, **COUNSEL FOR ALL PARTIES, SHALL COMPLY WITH THE FOLLOWING:**

a. **EXHIBITS.** Shall supply the Courtroom Deputy Clerk with the original and three copies of a complete list of all exhibits intended to be used during the trial. At the same time, each party shall serve upon all other parties a copy of the same. The parties shall use numerals starting with the number 1 and indicating Plaintiff's (PTX) or Defendant's (DTX) Exhibit by prefacing the number with the same. Exhibits that are on the same subject matter may be marked as a series, that is, PTX 1-A, PTX 1-B, etc. and Defendants DTX 1-A, DTX 1-B, etc. A party's exhibits may be placed in a 3-ring binder with numbered dividers. The exhibits are to

1 be listed on a form provided by the Clerk's Office, or obtained from the Court's website
 2 www.nvd.uscourts.gov and may be computer-generated if they conform to the requirements of
 3 the form that is provided by the clerk. The Exhibit list shall be filed with the Clerk of the Court
 4 and a copy shall be provided to the Courtroom Deputy Clerk in WordPerfect or Word format at
 5 dionna_negrete@nvd.uscourts.gov. Counsel shall retain possession of their exhibits until such
 6 time as they are identified in open court; thereafter, the exhibits shall remain in the custody of the
 7 clerk unless otherwise ordered.

8 b. **MARKING EXHIBITS.** Shall meet, confer, pre-mark and exchange all
 9 trial exhibits. Counsel shall notify the Court's contact person that the exhibits have been
 10 pre-marked.

11 c. **WITNESS LISTS.** Shall file with the Courtroom Deputy Clerk a list of
 12 witnesses expected to be called on behalf of each party for use by the Court during jury selection.

13 d. **STATEMENT OF THE CASE.** Shall file with the Courtroom Deputy
 14 Clerk a brief statement of the case, no longer than one-half page, stating the nature of the claims
 15 and defenses, to be read to prospective jurors at the time of jury selection. In a criminal case, a
 16 copy of the Indictment, indicating which portions should be read to the jury, will satisfy this
 17 requirement.

18 e. **PROPOSED VOIR DIRE QUESTIONS:** Shall file with the Clerk of the
 19 Court all proposed voir dire questions to be asked of the jury panel by the Court.

20 f. **JURY INSTRUCTIONS - Civil Cases.** Shall submit proposed jury
 21 instructions as follows:

22 (a) The parties shall jointly submit one set of agreed upon instructions.
 23 To accomplish this, the parties shall serve their proposed instructions on each other
 two weeks prior to trial. The parties shall then meet, confer, and submit to the
 court one complete set of agreed upon instructions.

24 (b) If the parties cannot agree upon one complete set of instructions,
 25 they shall submit one set of those instructions that have been agreed upon, and each
 party shall submit a supplemental set of instructions that are not agreed upon.

26 (c) No later than two (2) days before trial, each party shall file any
 27 objections to the non-agreed upon instructions proposed by the other party. All
 28 objections shall be in writing and shall set forth the proposed instruction objected to
 in its entirety. The objection should specifically set forth the objectionable

material in the proposed instruction. The objection shall contain citation to authority explaining why the instruction is improper and a concise statement of argument concerning the instruction. Where applicable, the objecting party shall submit an alternative instruction.

(d) The parties shall submit the proposed joint set of instructions and proposed supplemental instructions in the following format:

(i) there must be two (2) copies of each instruction;

(ii) the first copy shall be annotated with the authority supporting the instruction;

(iii) the second copy shall contain only the proposed instruction – there should be no other marks or writings on the second copy except for the words “Jury Instruction No. ____” in the bottom margin. (See Attachment 1, attached hereto.)

(e) On the day of trial the parties may submit a concise argument in support of proposed instructions to which the other party objected.

(f) All instructions should be short, concise, understandable, and neutral statements of law. Argumentative or formula instructions are improper, will not be given, and should not be submitted.

(g) Any modifications of instructions from statutory authority, case authority, the Ninth Circuit Manual of Model Jury Instructions, or any other model instructions,

must specifically state the modification made to the original source and the authority supporting the modification.

(h) Counsel shall submit to the court, using WordPerfect or Word software, proposed jury instructions, either on:

(i) by email addressed to elaine_muhlebach@nvd.uscourts.gov

g. **CIVIL CASES: TRIAL BRIEFS.** Shall file a Trial Brief in all civil cases. Trial briefs shall be served on all parties.

3. **USE OF EVIDENCE DISPLAY EQUIPMENT:** Counsel/staff wishing to use the Court’s evidence display equipment shall be present on **Wednesday, September 9, 2015, at 9:00 a.m. in Las Vegas Courtroom 4B on the fourth floor of the Lloyd D. George United States Courthouse, 333 Las Vegas Blvd. South, Las Vegas, Nevada.**

4. **SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the Court will consider the imposition of sanctions against any attorney who fails to timely comply with any order that schedules deadlines for trial preparation.

1 5. **CONTACT PERSON.** All questions and information regarding the trial calendar
2 are to be directed to DIONNA NEGRETE, Courtroom Deputy Clerk, at (775) 686-5829.

3 6. The date of the Clerk's file mark shall constitute the date of this Order.

4 IT IS SO ORDERED.

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/s/

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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ATTACHMENT 1

In reaching your verdict you may consider only the testimony and exhibits received into evidence. Certain things are not evidence, and you may not consider them in deciding what the facts are. I will list them for you.

1. Questions and objections are not evidence. You should not be influenced by the court's ruling on them.

2. Testimony that has been excluded or stricken, or that you have been instructed to disregard, is not evidence and must not be considered. In addition, some testimony and exhibits have been received only for a limited purpose; where I have given a limiting instruction, you must follow it.

3. Anything you may have seen or heard when the court was not in session is not evidence. You are to decide the case solely on the evidence received at the trial.